

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Donaghy	Team: Squad #2	CCRB Case #: 201906325	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/10/2019 1:58 AM	Location of Incident: 77th Precinct stationhouse	Precinct: 77	18 Mo. SOL 1/10/2021	EO SOL 8/27/2021	
Date/Time CV Reported Fri, 07/12/2019 11:52 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 07/12/2019 11:52 AM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. POM Jonathan McDonald	13239	966178	077 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Jonathan McDonald	Abuse: Police Officer Jonathan McDonald did not process § 87(2)(b) s complaint regarding officers.				

Case Summary

On July 12, 2019, § 87(2)(b) was interviewed at the CCRB for complaint # § 87(2)(b) § 87(2)(g)

At approximately 2:00 a.m. on July 10, 2019, § 87(2)(b) went to the 77th Precinct stationhouse in order to file a complaint against officers (that complaint is the subject of CCRB # § 87(2)(b)). There, § 87(2)(b) encountered Police Officer Jonathan McDonald of the 77th Precinct. Police Officer McDonald asked for § 87(2)(b) to provide him with information about the time and location of the incident he wished to complain about. When § 87(2)(b) told him, Police Officer McDonald stated the names and shield numbers of the officers who had been involved in that incident. § 87(2)(b) then told Police Officer McDonald that he wanted to make a complaint against those officers, but Police Officer McDonald replied that if § 87(2)(b) wanted to make a complaint against NYPD officers it would have to be with the CCRB. Police Officer McDonald allowed § 87(2)(b) to take a picture of a card containing information for how to make a complaint to the CCRB, but did not inform § 87(2)(b) that he could make a complaint at the 77th Precinct stationhouse (**Allegation A: Abuse of Authority – Refusal to process civilian complaint**, § 87(2)(g) § 87(2)(b) then left the 77th Precinct stationhouse.

The investigation requested the stationhouse footage from the 77th Precinct stationhouse from this incident but was provided with the incorrect footage. The investigation requested footage from 1:00 a.m. to 3:00 a.m. on July 10, 2019, but was provided with footage from 1:00 p.m. to 3:00 p.m. on July 10, 2019. The footage is located in IA # 12 (Board Review 01). On August 7, 2019, the investigation contacted IAB, informed them of the mistake, and requested an expedited return of the correct footage, but IAB failed to provide it before it expired.

Findings and Recommendations

Allegation (A) Abuse of Authority – Police Officer Jonathan McDonald did not process § 87(2)(b)'s complaint regarding officers.

On July 12, 2019, § 87(2)(b) was interviewed at the CCRB. On November 7, 2019, Police Officer Tyler McCormack was interviewed at the CCRB. On November 13, 2019, Police Officer Jonathan McDonald was interviewed at the CCRB.

§ 87(2)(b) stated that at approximately 2:00 a.m. on July 10, 2019, he went into the 77th Precinct stationhouse. Once there, § 87(2)(b) encountered Police Officer McDonald, who was working behind the front desk. § 87(2)(b) explained that he was there to inquire about the officers involved in an incident the previous day, and Police Officer McDonald asked him for additional information about that incident. Once § 87(2)(b) stated the time and location of that incident, Police Officer McDonald was able to state to § 87(2)(b) the names and shield numbers of the officers § 87(2)(b) was inquiring about.

§ 87(2)(b) then told Police Officer McDonald that he wanted to file a complaint against those officers. Police Officer McDonald replied that if § 87(2)(b) wanted to make a complaint against officers it would have to be with the CCRB, and then Police Officer McDonald provided § 87(2)(b) with a plastic card containing information about filing a complaint at the CCRB. Police Officer McDonald did not offer to take § 87(2)(b)'s complaint at any point during this interaction. § 87(2)(b) then left the 77th Precinct stationhouse.

§ 87(2)(b) sent the CCRB a picture of the plastic card Police Officer McDonald showed him

during this incident (Board Review 02). The photo appears to provide information for making a complaint directly to the CCRB in both English and Spanish.

Police Officer Jonathan McDonald's Memo book (Board Review 03), provided during his November 13, 2019, interview at the CCRB, lists him as the telephone switchboard operator during Tour 1 on July 10, 2019. Police Officer McDonald is listed as working until 4:00 a.m., when he took his meal. § 87(2)(b) described the subject officer as an approximately 6'1" tall, white male with black hair and a slim build. Police Officer McDonald is a 6'0" tall, white male with brown hair and an average build (Board Review 04).

During his interview with the CCRB, Police Officer McDonald stated that he had no recollection of this incident, but he confirmed that he was the telephone switchboard operator at the front desk of the 77th Precinct stationhouse at the time of this incident. When presented with the picture § 87(2)(b) provided of the plastic card (Board Review 02), Police Officer McDonald stated that he recognized the card, and that it is shown to civilians who want to make a complaint against an officer of the NYPD.

Police Officer McDonald stated that the normal procedure for a civilian who comes to the 77th Precinct stationhouse seeking to make a complaint against an officer is to provide them with the card and make sure they are able to take a picture of it or otherwise copy the information on it. Next, Police Officer McDonald stated that he would have to provide the complainant with the shield numbers and identifying information of the officers the complainant wishes to make a complaint about. Police Officer McDonald stated that, after providing that information, there are no additional steps that an officer would have to take. When Police Officer McDonald was asked if there was any sort of form or paperwork that an officer was required to fill out when a civilian approached them seeking to file a complaint against officers, he stated, "Not to my knowledge."

Patrol Guide Procedure No. 207-31 (Board Review 05) details the appropriate actions to take when a civilian indicates that they wish to make a complaint against an NYPD officer in-person at a stationhouse. Officers are to interview the complainant regarding the substance of their complaint and are then required to provide the complainant with a copy of PD313-154, the Civilian Complaint Report, to be prepared in the complainant's handwriting. This procedure applies to all members of service regardless of rank.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party (Board Review 06).
 - § 87(2)(b)
- Police Officer Jonathan McDonald has been a member of service for one year and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- On January 31, 2020, a FOIL request was sent to the Office of the New York City Comptroller requesting any notice of claim filed in relation to this incident. Upon receipt the response to this FOIL request will be added to the case file.

Squad No.: 2

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date